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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR-13-00601 JST
	)	
	)	STIPULATION AND <del>PROPOSED</del> PROTECTIVE
	)	ORDER
v.	)	
	)	OAKLAND VENUE
HERI GARCIA,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

With the agreement of the parties, and with the consent of defendant, the Court enters the following Order:

Defendant is charged with unlawful possession of a firearm. Pursuant to defendant's request, the United States will produce certain materials (hereinafter "MATERIALS") to defense counsel, in lieu of making them available for review only, with the following restrictions:

1. The United States will designate the MATERIALS as confidential with the following notation: "WARNING: CONTENTS SUBJECT TO PROTECTIVE ORDER. UNAUTHORIZED COPYING OR VIEWING IS SUBJECT TO PUNISHMENT AS CONTEMPT OF COURT."

2. Except when being actively examined for the purpose of the preparation of the defense of

1 defendant, the MATERIALS shall be maintained in a safe and secure place in defense counsel's office,  
2 which is accessible only to defense counsel, members of his or her law firm who are working with him  
3 or her to prepare defendant's defense, and his or her investigator(s). Defense counsel, members of his or  
4 her law firm, defendant, and the investigator(s) shall not permit any person access of any kind to the  
5 MATERIALS except as set forth below.

6 3. The following individuals may examine the MATERIALS for the sole purpose of  
7 preparing the defense of defendant and for no other purpose:

- 8 a) Counsel for defendant;
- 9 b) Members of defense counsel's law office that are assisting with the preparation of  
10 defendant's defense;
- 11 c) Defendant, but only in the presence of defense counsel or another authorized  
12 person listed in this paragraph, (defendant may not take or maintain the  
13 MATERIALS or copies thereof);
- 14 d) Investigators and experts retained by defendant to assist in the defense of this  
15 matter.

16 If defense counsel determines that additional persons are needed to review the MATERIALS, he or she  
17 must obtain a further order of the Court before allowing any other individual to review the materials.

18 4. A copy of this Order shall be maintained with the MATERIALS at all times.

19 5. All individuals, other than defense counsel (and employees of his/her office) and  
20 defendant, who receive access to the MATERIALS, prior to receiving access to the materials, shall sign  
21 a copy of this Order acknowledging that:

- 22 a) they have reviewed the Order;
- 23 b) they understand its contents;
- 24 c) they agree that they will only access the MATERIALS and information for the  
25 purposes of preparing a defense for defendant;
- 26 d) they understand that failure to abide by this Order may result in sanctions by this  
27 Court.

28 Counsel for defendant shall either (1) send signed copies of the Order to counsel for the United States or

1 (2) file signed copies of the Order, *ex parte* and under seal. The United States shall have no access to  
2 the signed copies filed under seal without further order of the Court.

3 6. No other person may be allowed to examine the MATERIALS without further order of  
4 the Court. Examination of the MATERIALS shall be done in a secure environment which will not  
5 expose the materials to other individuals not listed above.

6 7. The MATERIALS may be duplicated to the extent necessary to prepare the defense of  
7 this matter. Any duplicates will be treated as originals in accordance with this Order.

8 8. If the MATERIALS are attached to any pleadings, the MATERIALS shall be filed or  
9 lodged under seal.

10 9. The United States shall request that the defense team return the MATERIALS (and any  
11 duplicate copies of the same) to the United States fourteen calendar days after any one of the following  
12 events, whichever occurs latest in time: dismissal of all charges against defendant; defendant's acquittal  
13 by court or jury; or the conclusion of any direct appeal. The defense team shall comply with the United  
14 States' request.

15 10. After the conclusion of proceedings in the district court or any direct appeal in the above-  
16 captioned case, the United States will maintain a copy of the MATERIALS. The United States will  
17 maintain the MATERIALS until the time period for filing a motion pursuant to 28 U.S.C. § 2255 has  
18 expired. After the statutory time period for filing such a motion has expired, the United States may  
19 destroy the MATERIALS. In the event defendant is represented by counsel and files motions pursuant  
20 to 28 U.S.C. § 2255, the United States will provide that counsel with a copy of the MATERIALS under  
21 the same restrictions as trial and direct appeal defense counsel. Defendant's attorney in any action under  
22 28 U.S.C. § 2255 shall return the same materials fourteen calendar days after the district court's

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1 ruling on the motion or fourteen calendar days after the conclusion of any direct appeal of the district  
2 court's denial of the motion, whichever is later.

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5  
6 STIPULATED:

7 Dated: May \_\_\_\_, 2014

MELINDA HAAG  
United States Attorney

8  
9 /s/  
JAMES C. MANN  
Attorney for the United States

10  
11  
12 /s/  
JEROME E. MATTHEWS  
Counsel for Defendant

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14  
15 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted as set  
16 forth above.

17 DATED: May 6, 2014

18   
HON. JON S. TIGAR  
United States District Court Judge